



Punishment and Desert

John Kleinig

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Superficial acquaintance with the literature on punishment leaves a fairly definite impression. There are two approaches to punishment - retributive and utilitarian - and while some attempts may be made to reconcile them, it is the former rather than the latter which requires the reconciliation. Taken by itself the retributive approach is primitive and unenlightened, falling short of the rational civilized humanitarian values which we have now acquired. Certainly this is the dominant impression left by 'popular' discussions of the Subject. And retributive vs. utilitarian seems to be the mould in which most philosophical discussions are cast. The issues are far more complex than this. Punishment may be considered in a great variety of contexts - legal, educational, parental, theological, informal, etc. - and in each of these contexts several important moral questions arise. Approaches which see only a simple choice between retributivism and utilitarianism tend to obscure this variety and plurality. But even more seriously, the distinction between retributivism and utilitarianism is far from clear. That it reflects the traditional distinction between deontological and teleological approaches to ethics serves to transfer rather than to resolve the uncertainty. Usually it is said that retributive approaches seek to justify acts by reference to features which are intrinsic to them, whereas utilitarian approaches appeal to the consequences of such acts. This, however, makes assumptions about the individuation of acts which are difficult to justify.

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